

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 8:21-cv-667-MSS-AAS

**ROCK SOLID CONSTRUCTION
SERVICES, LLC,**

Defendant.

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ORDER

Rock Solid Construction Services, LLC (Rock Solid) moves to vacate clerk's entry of default. (Doc. 9). This request is unopposed. (Doc. 11).

On March 19, 2021, the United States sued Rock Solid and the clerk issued the summons on March 22, 2021. (Docs. 1, 3). On March 26, 2021, a process server served Rock Solid with the complaint and summons. (Doc. 5). Rock Solid failed to timely respond to the complaint. The United States successfully moved for clerk's default under Federal Rule of Civil Procedure 55(a). (Docs. 7, 8). After learning of the default, Rock Solid's counsel appeared in this action. (Doc. 10).

A court may set aside entry of a clerk's default for good cause. Fed. R. Civ. P. 55(c). "Good cause" under Rule 55(c) is a liberal standard. *Sherrard v.*

Macy's Sys. and Tech., Inc., 724 F. App'x 736, 738 (11th Cir. 2018) (quotation and citation omitted); *see also Jones v. Harell*, 858 F.2d 667, 668–69 (11th Cir. 1988) (affirming the district court's holding that “a bare minimum showing” will justify relief under Rule 55(c)). If a party willfully defaults by displaying either an intentional or reckless disregard for the judicial proceedings, a court may decline to set aside a clerk's default. *Burgos v. Valleycrest Golf Course Maintenance*, No. 2:10-cv-194-FtM-29SPC, 2010 WL 2243805, at *1 (M.D. Fla. June 4, 2010).

Rock Solid's failure to timely respond to the complaint is neither willful nor constitutes a reckless disregard for the judicial process. Setting aside the default would not prejudice the United States. Good cause exists to set aside the clerk's default against Rock Solid.

Accordingly, Rock Solid's motion to vacate clerk's entry of default (Doc. 9) is **GRANTED**. Rock Solid must respond to the United States' complaint by **May 24, 2021**.

ORDERED in Tampa, Florida on May 17, 2021.



AMANDA ARNOLD SANSONE
United States Magistrate Judge